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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,141	11/06/2001	Robert Jay Wittenbrink	JSS-0009	4624
27810 7	08/05/2003			3
EXXONMOBIL RESEARCH AND ENGINEERING COMPANY P.O. BOX 900 1545 ROUTE 22 EAST			EXAMINER	
			GRIFFIN, WALTER DEAN	
ANNANDALI	E, NJ 08801-0900		ART UNIT	PAPER NUMBER
			1764	
			DATE MAILED: 08/05/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
•	09/992,141	WITTENBRINK ET	WITTENBRINK ET AL.				
Office Action Summary	Examiner	Art Unit					
	Walter D. Griffin	1764					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a replif NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statut - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). Status	136(a). In no event, however, moly within the statutory minimum will apply and will expire SIX (6) te, cause the application to beco	nay a reply be timely filed of thirty (30) days will be considered timely.) MONTHS from the mailing date of this con me ABANDONED (35 U.S.C. § 133).	nmunication.				
1) Responsive to communication(s) filed on 19	August 2002						
2a) ☐ This action is FINAL . 2b) ☑ T	his action is non-final.						
3) Since this application is in condition for allow			merits is				
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims							
4) Claim(s) 1-27 is/are pending in the application.							
4a) Of the above claim(s) is/are withdrawn from consideration.							
5) Claim(s) is/are allowed.							
6) Claim(s) <u>1-27</u> is/are rejected.							
7) Claim(s) is/are objected to.							
8) Claim(s) are subject to restriction and/or election requirement.							
Application Papers							
9) The specification is objected to by the Examiner.							
10) The drawing(s) filed on <u>06 November 2001</u> is/are: a) accepted or b) objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.							
If approved, corrected drawings are required in reply to this Office action.							
12) The oath or declaration is objected to by the Examiner.							
Priority under 35 U.S.C. §§ 119 and 120							
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).							
a) ☐ All b) ☐ Some * c) ☐ None of:							
1. Certified copies of the priority documents have been received.							
2. Certified copies of the priority documents have been received in Application No							
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 							
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).							
a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.							
Attachment(s)	· •						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) 🔲 Notic	view Summary (PTO-413) Paper No(s ce of Informal Patent Application (PTO r:					
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Application/Control Number: 09/992,141

Art Unit: 1764

DETAILED ACTION

Claim Objections

Claim 18 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 18 does not further limit claim 17 because it contains the same limitations as claim 17.

Claim 19 is objected to because of the following informalities: In line 5 of step (d) of claim 19, the word "bubble" should apparently be inserted between the words "gas" and "reduced". Appropriate correction is required.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Application/Control Number: 09/992,141

Art Unit: 1764

Claims 1-27 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of copending Application No. 09/992390. Although the conflicting claims are not identical, they are not patentably distinct from each other because each set of claims is drawn to a process for isomerizing the slurry hydrocarbon liquid produced in a slurry hydrocarbon synthesis reactor while the reactor is producing the liquid. The claims of 09/992390 do not include a lift reactor that is in the synthesis reactor. However, it would have been obvious to one having ordinary skill in the art to modify the claims of 09/992390 to place the lift reactor within the synthesis reactor because effective isomerization would occur regardless of specific location of the lift reactor.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art not relied upon discloses isomerization processes and/or slurry hydrocarbon synthesis processes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter D. Griffin whose telephone number is 703-305-3774. The examiner can normally be reached on Monday-Friday 6:30 to 4:00 with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on 703-308-6824. The fax phone numbers for the Application/Control Number: 09/992,141

Art Unit: 1764

organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

Walter D. Griffin Primary Examiner Art Unit 1764

WG

August 1, 2003